



House of Representatives

General Assembly

File No. 654

January Session, 2019

Substitute House Bill No. 7295

House of Representatives, April 15, 2019

The Committee on Environment reported through REP. DEMICCO, M. of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING RECYCLING PLANS FOR PAPER AND
PACKAGING AND ESTABLISHING CERTAIN MUNICIPAL SOLID
WASTE MANAGEMENT GOALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section:

3 (1) "Packaging" means any material, substance or object that is used
4 to protect, contain or transport any commercial commodity or product
5 regardless of the recyclability or availability of a market for such
6 recycled material, substance or object;

7 (2) "Paper" means any kind of paper that contains print, except
8 paper that, by virtue of its intended use, could become unsafe or
9 unsanitary to recycle;

10 (3) "Producer" means any person who: (A) Manufactures packaging
11 or paper for use in a commercial enterprise and who sells, offers for
12 sale or distributes packaging or paper in the state under the

13 manufacturer's own brand, (B) is not a manufacturer of packaging or
14 paper but who is the owner or licensee of a trademark under which
15 such packaging or paper is used in a commercial enterprise, sold,
16 offered for sale or distributed in the state, regardless of whether the
17 trademark is registered, or (C) imports packaging or paper into the
18 state for use in a commercial enterprise or for sale, offer for sale or
19 distribution in the state; and

20 (4) "Small producer" means any producer who: (A) Is a charitable,
21 tax-exempt organization, (B) had a gross revenue for the most recent
22 calendar year of less than one million dollars in the state, (C) produced
23 in the most recent calendar year less than one ton of packaging or
24 paper that was or will be used in a commercial enterprise or that was
25 or will be sold, offered for sale or distributed in the state.

26 (b) (1) On or before December 31, 2020, each producer, except a
27 small producer, or such producer's designee, shall, working in
28 consultation with the Department of Energy and Environmental
29 Protection, submit to the joint standing committee of the General
30 Assembly having cognizance of matters relating to the environment
31 and to the department a plan to increase the recycling of such
32 producer's products, decrease the disposal of such products and
33 decrease the costs to municipalities for the end-of-life management of
34 such products. Such plan shall be designed to avoid any negative
35 economic impacts to the state's waste haulers and recycling businesses
36 and shall provide details on the financing of any proposed programs
37 for end-of-life management for packaging and paper.

38 (2) Any plan submitted pursuant to this section shall identify each
39 producer participating in the program, the manner in which
40 participating producers will evaluate the effectiveness, implementation
41 and enforcement of the plan, a description of all financial aspects of
42 any proposed program, including how the program will be financed, a
43 description of the performance goals of any proposed program and
44 how such goals will be met in the first two years of such program, the
45 proposed recycling and processing facilities to be used by the program

46 and how the plan will advance the goals of the state's solid waste
47 management plan adopted in accordance with section 22a-228 of the
48 general statutes.

49 (c) On or before July 31, 2020, the Commissioner of Energy and
50 Environmental Protection shall submit an interim report, in accordance
51 with section 11-4a of the general statutes, to the joint standing
52 committee of the General Assembly having cognizance of matters
53 related to the environment concerning the progress of planning efforts
54 undertaken by the producers pursuant to subsection (b) of this section.

55 (d) On or before January 1, 2021, the commissioner, in accordance
56 with section 11-4a of the general statutes, shall submit
57 recommendations to the joint standing committee of the General
58 Assembly having cognizance of matters related to the environment
59 concerning methods such producers should undertake to increase the
60 recycling of such producers' products, decrease the disposal of such
61 products and decrease the costs to municipalities for the end-of-life
62 management of such products. Said committee shall conduct a public
63 hearing on such recommendations not later than sixty-five days after
64 the submission of such recommendations to the committee.

65 (e) In the event that a small producer operates under a franchise
66 agreement, the small producer, the franchisor or any other party with
67 whom the franchisor has a franchise agreement in relation to the same
68 packaging or paper product shall be deemed to be a single producer
69 for the purposes of this section.

70 Sec. 2. Subsection (f) of section 22a-220 of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective from*
72 *passage*):

73 (f) On and after January 1, 1991, each municipality shall, consistent
74 with the requirements of section 22a-241b, make provisions for the
75 separation, collection, processing and marketing of items generated
76 within its boundaries as solid waste and designated for recycling by
77 the commissioner pursuant to subsection (a) of section 22a-241b. It

78 shall be the goal to recycle twenty-five per cent of the solid waste
79 generated in each municipality provided it shall be the goal to reduce
80 the weight of such waste by January 1, 2000, by an additional fifteen
81 per cent by source reduction as determined by reference to the state-
82 wide solid waste management plan established in 1991, or by recycling
83 such additional percentage of waste generated, or both. For planning
84 purposes, it shall be the goal of each municipality to dispose annually
85 of not more than seven hundred pounds per capita from residential
86 sources of municipal solid waste by January 1, 2022, and not more than
87 five hundred pounds per capita from such sources by January 1, 2024.
88 The failure to meet such per capita goals shall not provide a basis for
89 the commissioner to issue an order pursuant to this chapter. The
90 provisions of this subsection shall not be construed to require
91 municipalities to enforce reduction in the quantity of solid waste. On
92 or before January 1, 1991, each municipality shall: (1) Adopt an
93 ordinance or other enforceable legal instrument setting forth measures
94 to assure the compliance of persons within its boundaries with the
95 requirements of subsection (c) of section 22a-241b and to assure
96 compliance of collectors with the requirements of subsection (a) of
97 section 22a-220c, and (2) provide the Commissioner of Energy and
98 Environmental Protection with the name, address and telephone
99 number of a person to receive information and respond to questions
100 regarding recycling from the department on behalf of the municipality.
101 The municipality shall notify the commissioner within thirty days of
102 its designation of a new representative to undertake such
103 responsibilities. A municipality may by ordinance or other enforceable
104 legal instrument provide for and require the separation and recycling
105 of other items in addition to those designated pursuant to subsection
106 (a) of section 22a-241b.

107 Sec. 3. Subsection (j) of section 22a-220a of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective from*
109 *passage*):

110 (j) If a collector hauls solid waste generated in this state, including
111 recyclables as listed in subsection (c) of section 22a-208e, [from an

112 entity located in the state other than a facility that has obtained a
 113 permit or authorization pursuant to this chapter and delivers such
 114 solid waste or recyclables to a destination that is an entity other than a
 115 facility that has obtained a permit or authorization pursuant to this
 116 chapter,] then on or before [July 31, 2011] October 1, 2019, and
 117 annually thereafter, such collector shall submit a report regarding such
 118 solid waste, including recyclables, to the Commissioner of Energy and
 119 Environmental Protection. Such report shall be on a form prescribed
 120 by the commissioner and shall provide such information regarding
 121 such solid waste as the commissioner deems necessary, including, but
 122 not limited to: (1) The types of solid waste, including recyclables,
 123 collected, (2) for municipal solid waste, the municipality of origin of
 124 such municipal solid waste including recyclables, (3) the amount by
 125 weight, volume or other method acceptable to the commissioner of
 126 such solid waste, including recyclables, [delivered to such destination,]
 127 and (4) the name, address and contact information of the entity
 128 receiving such solid waste or recyclables.

129 Sec. 4. (NEW) (*Effective from passage*) The Department of Energy and
 130 Environmental Protection shall, within available resources, provide
 131 technical assistance to municipalities for organics management, waste
 132 reduction and improvements to recycling systems.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	22a-220(f)
Sec. 3	<i>from passage</i>	22a-220a(j)
Sec. 4	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires privately-operated paper and packaging producers to develop plans with specific objectives to: (1) increase the recycling of their products, (2) decrease their products' disposal, and (3) decrease municipal costs to manage producer products when they are no longer being used. It requires the Department of Energy and Environmental Protection (DEEP) to submit recommendations to the Environment Committee on ways that the producers can meet these objectives. This has no fiscal impact to the state or municipality.

Additionally, the bill requires DEEP to provide municipalities with technical assistance for organics management, waste reduction, and recycling systems improvements. This has no fiscal impact as DEEP has expertise for this purpose.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 7295*****AN ACT CONCERNING RECYCLING PLANS FOR PAPER AND PACKAGING AND ESTABLISHING CERTAIN MUNICIPAL SOLID WASTE MANAGEMENT GOALS.*****SUMMARY**

This bill requires paper and packaging producers to develop plans aimed at meeting the following three objectives: (1) increasing the recycling of their products, (2) decreasing the products' disposal, and (3) decreasing municipal costs to manage the products when they are no longer used. The bill exempts small producers from this requirement.

The bill establishes a procedure for developing the plans and sets out the plans' required content. It requires the Department of Energy and Environmental Protection (DEEP) commissioner to submit recommendations to the Environment Committee on ways that the producers can meet the three objectives. The committee must hold a public hearing on the recommendations.

The bill also creates, for planning purposes, the following goals for disposal of municipal solid waste from residential sources on an annual basis:

1. not more than 700 pounds per capita by January 1, 2022, and
2. not more than 500 pounds per capita by January 1, 2024.

Under the bill, failing to meet these per capita goals does not subject a municipality to DEEP enforcement.

The bill requires each solid waste collector (i.e., "hauler") that collects solid waste generated in the state to annually report to the

DEEP commissioner on all of the solid waste, including recyclables, it collects.

Lastly, the bill requires DEEP, within available resources, to provide municipalities with technical assistance for organics management, waste reduction, and recycling systems improvements.

EFFECTIVE DATE: Upon passage

PAPER AND PACKAGING RECYCLING PLANS

Producers

Under the bill, paper or packaging producers are those who:

1. manufacture paper or packaging for use in a commercial enterprise and sell, offer for sale, or distribute it in the state under the manufacturer's brand;
2. are not manufacturers but are the owners or licensees of a registered or unregistered trademark under which paper or packaging is used in a commercial enterprise, sold, offered for sale, or distributed in the state; or
3. import paper or packaging into the state for use in a commercial enterprise or for sale, offer for sale, or distribution in the state.

The bill delineates "small producers" as producers that are charitable tax-exempt organizations with gross revenues of less than \$1 million in the state during the most recent calendar year and produced less than one ton of packaging or paper that was or will be used in a commercial enterprise or sold, offered for sale, or distributed in the state.

Under the bill, if a small producer operates under a franchise agreement, then the producer, the franchisor, and any other party with whom the franchisor has a franchise agreement regarding the same paper or packaging product is considered a single producer.

General Requirement

The bill requires each paper and packaging producer or its designee, but not small producers, to work in consultation with DEEP on a plan to do the following:

1. increase the recycling of the producer's products,
2. decrease the products' disposal, and
3. decrease the cost to municipalities for the products' end-of-life management.

Under the bill, the plans must be submitted to DEEP and the Environment Committee by December 31, 2020.

"Packaging" includes any material, substance, or object used to protect, contain, or transport a commercial commodity or products, regardless of recyclability or the availability of a market for the recycled material, substance, or object. "Paper" is any kind of paper that has print, except paper that could become unsafe or unsanitary to recycle due to its intended use.

Plan Content

The bill requires any plan to provide the following information:

1. each producer participating in the program;
2. how participating producers will evaluate the plan's effectiveness, implementation, and enforcement;
3. a description of the proposed program's financial aspects, including how it will be financed;
4. a description of performance goals and how the goals will be met during the program's first two years;
5. the proposed recycling and processing facilities to be used by the program; and
6. how the program will advance the goals of the state's solid waste

management plan.

Under the bill, the plan must (1) be designed to avoid negative economic impacts to the state's waste haulers and recycling businesses and (2) provide details on financing any proposed programs for packaging and paper end-of-life management.

Reporting and Public Hearing

The bill requires the DEEP commissioner, by July 31, 2020, to submit to the Environment Committee an interim report on the progress of the producers' planning efforts. The commissioner must also submit recommendations to the Environment Committee by January 1, 2021, on the ways that the producers will meet the three objectives of increasing recycling, decreasing disposal, and decreasing municipal costs for managing used products.

The bill requires the Environment Committee to have a public hearing within 65 days after receiving the recommendations.

SOLID WASTE COLLECTOR REPORTING

The bill expands an existing requirement for solid waste haulers to report on the solid waste they collect that is generated in the state.

Current law requires the haulers to annually report to the DEEP commissioner on the solid waste, including recyclables, they collect from, and deliver to, facilities without a state solid waste management permit or authorization. The bill requires the haulers instead to annually report on all solid waste transported, beginning by October 1, 2019.

Existing law, unchanged by the bill, requires the reports to provide the following information:

1. types of solid waste collected;
2. for municipal solid waste, the originating municipalities;
3. solid waste amount by weight, volume, or other acceptable

method; and

4. name, address, and contact information for the entity receiving the solid waste or recyclables.

BACKGROUND

Solid Waste Management Plan

By law, the state's solid waste management plan provides goals and strategies and establishes a priority order for managing solid waste generated in the state. The plan serves as a basis for guiding policy decisions on solid waste reduction, reuse, recycling, and disposal.

Among other things, the plan includes a strategy for diverting, through reduction, reuse, and recycling, at least 60% of solid waste generated in Connecticut after January 1, 2024 (CGS §§ 22a-228 and 22a-241a).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/25/2019)